

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
March 22, 2016 – 6:00 PM

Minutes of the March 22, 2016 City Council meeting at 6:00 p.m.

Present: Mayor Mike Schultz, Mayor Pro Tem Ron Cisneros, Council Member Christina Bergmann, Council Member Charlie Boyd IV, Council Member Jeff Haberstroh, and Council Member Nina Woolard.

Staff Present: Ron Bowman, Siria Arreola, Lori Carroll, Kirsten Cohoon, Susan Cole, Mike Mann, Sandy Mattick, Doug Meckel, Jeff Page, Mike Raute, Angie Rios, Kelly Skovbjerg, Laura Talley, Jeanette Teague, Jeff Thompson, Chris Turk, Larry Woods, and Danny Zincke.

Recognized / Registered Guests: Phillip Bell, Doug Hartzler, Debbie DeLoach, Shanda Stevens, Barbara Turk, Eleanor Moring, John Moring, Jim Plasek, Joe Anzollitto, Craig Colvin, Brittany Styles, Josh Valenta, Carline Schwartz, Jeff Carroll, Ross Partlo.

1. CALL TO ORDER – 6:00 PM

Mayor Schultz called the City Council to order at 6:00 p.m.

Mayor Schultz asked for a Moment of Silence and led the Pledge of Allegiance to the United States Flag and to the Texas Flag.

2. CONFLICTS OF INTEREST

No conflicts were declared.

3. PUBLIC COMMENTS: This is the opportunity for visitors and guests to address the City Council on any issue. City Council may not discuss any presented issue, nor may any action be taken on any issue at this time.
(Attorney General opinion – JC-0169)

Shanda Stevens, 133 N. Plant Street representing Texas Meat Company spoke on Agenda Item #7. She stated that the sign painted on the side of the building of the new Texas Meat Company location in her opinion is a mural, a nostalgic form of art. She

asked that the council members approve the request.

4. CONSENT AGENDA: All items listed below within the Consent Agenda are considered to be routine by the City Council and may be enacted with one motion. There will be no separate discussion of items unless a Council Member or citizen so requests, in which event the item may be moved to the general order of business and considered in its normal sequence.

4A. [2016-529](#) Approval of the Regular City Council Meeting Minutes of March 8, 2016.

THE MINUTES WERE APPROVED.

4B. [2016-516](#) Consider On Second Reading Ordinance No. 2016-16; An Ordinance Of The City Council Of The City Of Boerne, Texas, Approving The Annexation By Kendall Water Control And Improvements District No. 2A Of 2.731 Acres Of Land. (Related To The Third Development Agreement)

THE ORDINANCE WAS APPROVED.

4C. [2016-513](#) Consider On Second Reading Ordinance No. 2016-17; An Ordinance Authorizing The Installation Of Stop Signs At Cascade Caverns Road And The Scenic Loop Intersection; And Providing For A Penalty Not To Exceed \$200 For Each Violation Of This Ordinance.

THE ORDINANCE WAS APPROVED.

4D. [2016-520](#) Consider Resolution No. 2016-R32; A Resolution Authorizing The City Manager To Enter Into And Manage A Professional Services Agreement With DaHill For Copiers.

THE RESOLUTION WAS APPROVED.

4E. [2016-532](#) Consider Resolution No. 2016-R33; A Resolution Authorizing The City Manager To Proceed With Purchases As Per Section 6.08 Of The City Of Boerne's Home Rule Charter. (Encoder Receiver Transmitter equipment for AMI pilot program)

THE RESOLUTION WAS APPROVED.

Approval of the Consent Agenda

A MOTION WAS MADE BY COUNCIL MEMBER BERGMANN, SECONDED BY COUNCIL MEMBER BOYD IV TO APPROVE THE CONSENT AGENDA. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Haberstroh, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Bergmann

5. [2016-530](#) RECOGNITION OF CHRIS TURK FOR HIS 32 YEARS OF SERVICE TO THE CITY OF BOERNE.

Mayor Schultz called on Mr. Ron Bowman, City Manager. Mr. Bowman recognized in the audience Phillip Bell, past Chair of the Historic Landmark Commission; Doug Hartzler, past Chair of the Planning and Zoning Commission; John Moring, past Public Works Director, and Chris Turk's wife Barbara. He discussed Mr. Turk's experience prior to City of Boerne employment as well as the experience he obtained with the City. Mr. Bowman listed a few of Mr. Turk's successes: the Master Plan, the Zoning Ordinance, the Subdivision Ordinance, the Sign Ordinance, the Tree Ordinance, the trails, the Library, and the Cibolo Nature Center. He was the Father of the Dark Skys Ordinance, and worked diligently on the "Boerne Wall" providing protection of Boerne's ETJ from San Antonio. Mr. Bowman considers Mr. Turk a Boerne Historian. He thanked him for his friendship. Mr. Jeff Thompson, Deputy City Manager stated that Mr. Turk makes Boerne a special place that is well known for its quality of life. He admires his honesty, loyalty, candor, dedication, while attending countless meetings. Mr. Turk expressed his appreciation to the Council Members and Staff. He stated he loves the job and appreciates the citizens of Boerne. The job is hard to give up but it is time to hand it over to Laura Talley. Mr. Bowman announced that the Retirement Party will be next Wednesday, March 30, 2016 at the Patrick Heath Public Library from 2:00-4:00pm.

6. [2016-531](#) RECEIVE THE COMPREHENSIVE ANNUAL FINANCE REPORT FROM PADGETT, STRATEMANN & CO., L.L.P. AUDITORS FOR FY 2014-2015.

Mayor Schultz called on Ms. Sandy Mattick, Finance Director. Ms. Mattick introduced Mr. Joel Perez of Padgett, Stratemann and Co., LLP to discuss the FY 2014-2015 audit and findings. He stated that the results are positive and favorable. Mr. Perez was a participant in the service team during the audit. He discussed what is included in the Comprehensive Annual Finance Report (CAFR). Ms. Mattick reviewed the Key Financial

Indicators and stated that the Utilities have approximately six months of operating reserves. As in previous years, the CAFR will be submitted for consideration to the Government Finance Officers Association's (GFOA) Certificate of Achievement for Excellence in Financial Reporting Program. Sandy recognized Ms. Angie Rios, Assistant Finance Director for her work throughout the year. Mr. Perez commented that there were no material weaknesses or significant control deficiencies. He stated that there were no issues encountered during the audit regarding the new accounting principle of GASB 68 and 71. Mayor expressed appreciation to Mr. Perez in conducting the audit.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER HABERSTROH, TO RECEIVE AND APPROVE THE COMPREHENSIVE ANNUAL FINANCE REPORT FROM PADGETT, STRATEMANN & CO., L.L.P. AUDITORS FOR FY 2014-2015. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Haberstroh, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Bergmann

7. [2016-466](#) RECEIVE AND CONSIDER A REQUEST FROM MS. SHANDA STEVENS FOR A VARIANCE TO THE SIGN ORDINANCE SECTION 7 CENTRAL AREA GUIDELINES AND RESTRICTIONS. F. WALL SIGNS. (Texas Meat Company 1105 S Main St.)

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley displayed a photo of the wall sign painted on the building of the Texas Meat Company. She stated that the property owner Shanda Stevens did not realize that this type of painting was considered signage and therefore did not obtain a permit or check into signage requirements. Ms. Stevens thought of this sign as a mural. The sign is almost doubled in size of what is required. Even though the Sign Committee felt that the sign was attractive, it does exceed the requirements for a wall sign and therefore the Committee recommended denial of the request. Discussion ensued regarding the specifics that make this a sign and not just art, other buildings with painted wall signs, and the need to provide uniformity in the community and working within the limits of the Sign Ordinance.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE THE REQUEST FROM MS. SHANDA STEVENS FOR A VARIANCE TO THE SIGN ORDINANCE SECTION 7 CENTRAL AREA GUIDELINES AND RESTRICTIONS. F. WALL SIGNS. (TEXAS MEAT COMPANY 1105 S MAIN ST.). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Bergmann

Nay: 1 - Council Member Haberstroh

8. [2016-528](#) CONSIDER THE RESTRUCTURE AND MAYORAL APPOINTMENTS TO THE CONVENTION AND VISITORS BUREAU ADVISORY BOARD.

Mayor Schultz called on Mr. Larry Woods, Convention and Visitors Bureau (CVB) Director. Mr. Woods introduced Ms. Jeanette Teague, CVB Administrative Assistant in the audience. He discussed the duties of the Boerne Convention and Visitors Bureau Advisory Board which are to hear the Hotel Occupancy Tax (HOT) presentations prior to and for City Council consideration. Mr. Woods stated that over the past five years, there have been no more than five applicants to come before the Board with HOT presentations. When the eleven member Board was established, they met monthly but approximately two years ago the meeting frequency changed to quarterly. He explained that it has become challenging to keep eleven members on the Board. Staff recommended that the HOT Board be changed from 11 members to five members. Discussion ensued regarding the number of HOT Board Members.

A MOTION WAS MADE BY MAYOR PRO TEM CISNEROS, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE THE RESTRUCTURE AND MAYORAL APPOINTMENTS TO THE CONVENTION AND VISITORS BUREAU ADVISORY BOARD. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Haberstroh, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Bergmann

9. [2016-527](#) RECEIVE ANNUAL UPDATE ON THE BOERNE CONVENTION AND VISITORS BUREAU.

Mr. Woods continued with the annual update of the Boerne Convention and Visitors Bureau (CVB). He reviewed the social media and email marketing statistics, hotel performance for 2014 vs 2015, the Boerne Visitors Guide, the advertising schedule for

2016, and the Tourism and Communications International Outreach Program. Mr. Woods stated that a camera crew was recently here from Mexico.

A MOTION WAS MADE BY COUNCIL MEMBER HABERSTROH, SECONDED BY COUNCIL MEMBER BOYD IV, TO RECEIVE AND APPROVE THE ANNUAL UPDATE ON THE BOERNE CONVENTION AND VISITORS BUREAU. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Haberstroh, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Bergmann

10. [2016-519](#) RECEIVE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND TAKE ANY NECESSARY ACTION:

A. To Consider Deviation From Planning and Community Design Standards as Required By The City Of Boerne Subdivision Ordinance Table 3-4 Street Cross-Section Standards For HB Subdivision. (City of Boerne Requesting an Alternative Street Cross Section For a Commercial Development)

Mayor Schultz called on Ms. Laura Talley, Planning and Community Development Director. Ms. Talley reviewed the request and displayed a diagram for the proposed HB Subdivision street cross section. She stated that the Planning and Zoning Commission recommended approval by a vote of 7-0. Discussion ensued regarding moving the cross section to create a sidewalk larger on one side, expanding current driveway to become a street, providing safety and managing traffic. Staff recommended approval of the request for deviation from the Planning and Community Design Standards.

A MOTION WAS MADE BY COUNCIL MEMBER BERGMANN, SECONDED BY COUNCIL MEMBER WOOLARD, TO RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION APPROVE A DEVIATION FROM PLANNING AND COMMUNITY DESIGN STANDARDS AS REQUIRED BY THE CITY OF BOERNE SUBDIVISION ORDINANCE TABLE 3-4 STREET CROSS-SECTION STANDARDS FOR HB SUBDIVISION. (CITY OF BOERNE REQUESTING AN ALTERNATIVE STREET CROSS SECTION FOR A COMMERCIAL DEVELOPMENT). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Haberstroh, Council Member Woolard, Mayor Pro Tem Cisneros, and Council Member Bergmann

Nay: 1 - Council Member Boyd IV

11. [2016-521](#) RECEIVE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET PUBLIC HEARING FOR APRIL 12, 2016:

A. Proposed Use Of Automobile Sales (Motorcycle Sales) In A B-2, Highway-Commercial Business District For 941 North Main, A Total Of 0.088 Acres, KAD No. 24699. (James Day)

Ms. Talley continued with a request from James Day to develop the property located at 941 North Main Street into a motorcycle sales facility. Ms. Talley displayed a map of the location. At this time, the City Council only needs to receive the request and set a date, time, and place for a public hearing.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER BOYD IV, TO RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND SET PUBLIC HEARING FOR APRIL 12, 2016 FOR THE PROPOSED USE OF AUTOMOBILE SALES (MOTORCYCLE SALES) IN A B-2, HIGHWAY-COMMERCIAL BUSINESS DISTRICT FOR 941 NORTH MAIN, A TOTAL OF 0.088 ACRES, KAD NO. 24699. (JAMES DAY). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Haberstroh, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Bergmann

12. [2016-522](#) CONSIDER ON FIRST READING ORDINANCE NO. 2016-18; AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY INTO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY LIMITS, AND GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID CITY. (0.670 Acres Of Land Being Part Of Scenic Loop Road - At The Request Of City of Boerne)

Ms. Talley displayed a map of the proposed annexation of the right-of-way property located on Scenic Loop Road. She explained that the interlocal agreement with Kendall County and State law requires that when property adjacent to and on both sides of a County road is annexed into the City, the roadway will also be annexed into the City and become a City street. The annexation will eliminate gaps in property in the City limits and will eliminate confusion with Police, Fire, and EMS protection in responding to emergency situations. Staff recommended approval of Ordinance No. 2016-18.

A MOTION WAS MADE BY COUNCIL MEMBER BERGMANN, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE ON FIRST READING ORDINANCE NO. 2016-18; AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY INTO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY LIMITS, AND GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID CITY. (0.670 ACRES OF LAND BEING PART OF SCENIC LOOP ROAD - AT THE REQUEST OF CITY OF BOERNE). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Haberstroh, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Bergmann

13. [2016-523](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2016-19; AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY INTO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY LIMITS, AND GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID CITY. (0.464 Acres Of Land Being Part Of Upper Balcones Road - At The Request Of City of Boerne)**

Ms. Talley continued with the proposed annexation of a portion of right-of-way on Upper Balcones Road. She displayed a map of the location. She explained that the interlocal agreement with Kendall County and State law requires that when property

adjacent to and on both sides of a County road is annexed into the City, the roadway will also be annexed into the City and become a City street. The annexation will eliminate gaps in property in the City limits and will eliminate confusion with Police, Fire, and EMS protection in responding to emergency situations. Staff recommended approval of Ordinance No. 2016-19. Discussion ensued regarding the condition of the road and an estimate cost to bring the up to City standards.

A MOTION WAS MADE BY COUNCIL MEMBER BERGMANN, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE ON FIRST READING ORDINANCE NO. 2016-19; AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY INTO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY LIMITS, AND GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID CITY. (0.464 ACRES OF LAND BEING PART OF UPPER BALCONES ROAD - AT THE REQUEST OF CITY OF BOERNE). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Haberstroh, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Bergmann

14. COMMENTS FROM COUNCIL/LEGAL COUNSEL/STAFF – No discussion or action may take place.

15. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER BERGMANN, SECONDED BY COUNCIL MEMBER WOOLARD, TO ADJOURN THE CITY COUNCIL MEETING AT 7:29 P.M. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Haberstroh, Council Member Woolard, Council Member Boyd IV, Mayor Pro Tem Cisneros, and Council Member Bergmann

APPROVED:

Mayor

ATTEST:

City Secretary